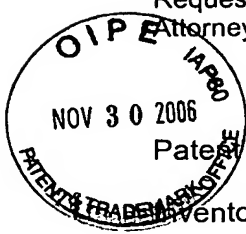


10/811477
COF C/4

Patent No. 7,096,520
Request for Cert. of Correction dated November 27, 2006
Attorney Docket No. 0644-031015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


Patent No. : 7,096,520 Confirmation No. 8871
Inventors : Nicolia et al.
Issued : August 29, 2006
Title : Fixture Carrier
Examiner : Ramon O. Ramirez
Customer No. : 28289

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Decision and Certificate of Correction
Branch of the Patent Issue Division

Sir:

In accordance with 35 U.S.C. §255, we attach hereto Form PTO/SB/44 and proof of error and request that a Certificate of Correction be issued in the above-identified patent. The following error appears in the patent as printed:

FIG. 2, shown on Sheet 3 of the drawings, is missing element numbers 112, 113 for the locking screws. See the Preliminary Amendment mailed September 16, 2004, which included a replacement sheet which added element numbers 112, 113. In an Office Action dated November 7, 2005, the Examiner requested formal drawings. On February 7, 2006, Applicants sent formal replacement drawing sheets which were accepted by the Examiner in an Office Action mailed March 2, 2006. Unfortunately, the draftsman neglected to add element numbers 112, 113 to the formal drawing of FIG. 2.

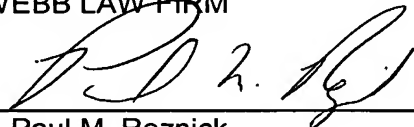
Kindly substitute Sheet 3 of the patent with the attached replacement drawing sheet containing a corrected FIG. 2.

The above error is an obvious error of omission made by Applicants' draftsman. A check for \$100.00 is attached to cover the fee for correction of Applicants' mistake.

Respectfully submitted,

THE WEBB LAW FIRM

By


Paul M. Reznick
Registration No. 33,059
Attorney for Registrants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 471-8815
Facsimile: (412) 471-4094

Certificate
DEC 04 2006
of Correction

11/30/2006 ATRINH 00000001 7096520
01 FC:1811 100.00 OP

DEC - 5 2006

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 7,096,520
APPLICATION NO. : 10/811,477
ISSUE DATE : August 29, 2006
INVENTORS : Nicolia et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Substitute Sheet 3 of the patent drawings with the attached replacement drawing sheet containing a corrected FIG. 2. The new FIG. 2 added element Nos. 112 and 113.

MAILING ADDRESS OF SENDER: The Webb Law Firm
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-2450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select Option 2.



BEST AVAILABLE COPY

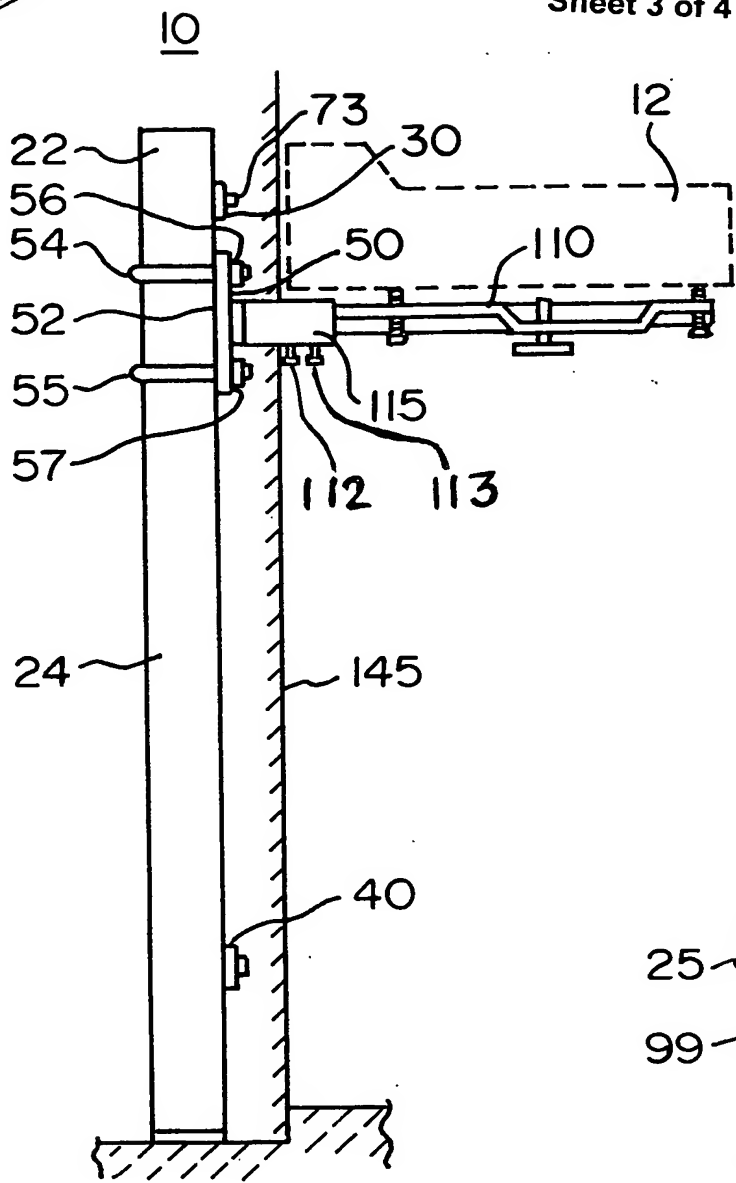


FIG. 2

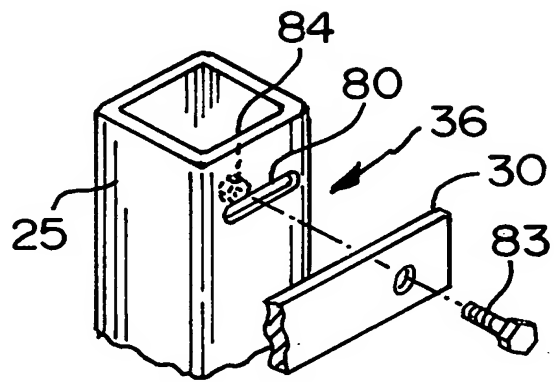


FIG. 4

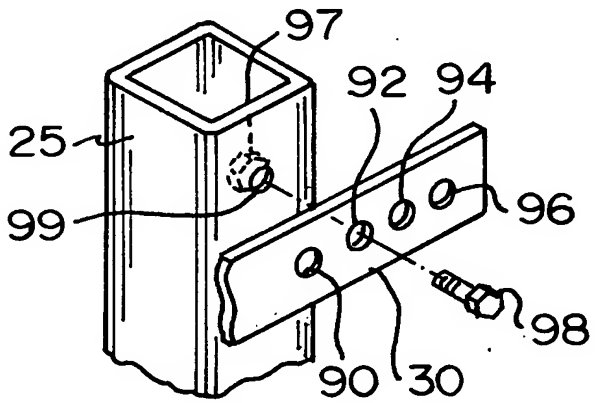


FIG. 5

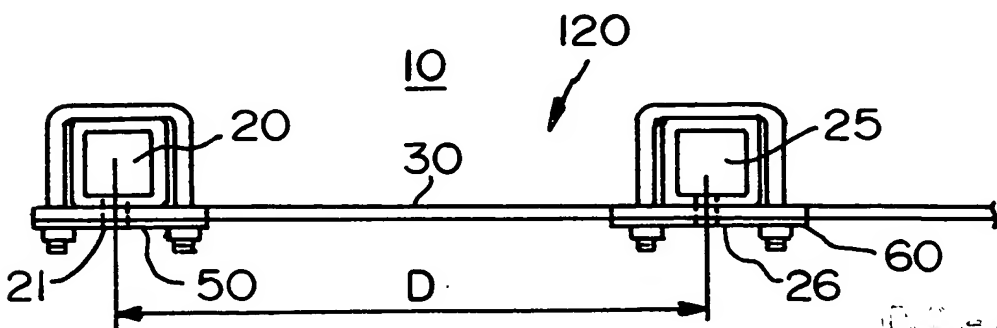


FIG. 3

NOV 30 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/811,477
Applicants : Carl R. Nicolia et al.
Filed : March 26, 2004
Title : **FIXTURE CARRIER**
Art Unit : 3632
Examiner : *Not Yet Assigned*
Docket No. : 0644-031015
Confirmation No. : 8871
Customer No. : 28289

PRELIMINARY AMENDMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to examination of the above-identified application on its merits, please amend the application as follows:

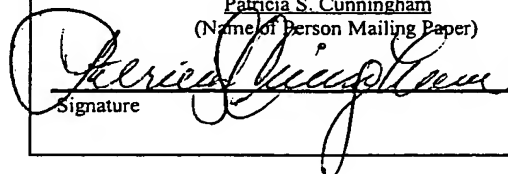
Amendments to the Specification begin on page 2 of this paper.

Amendments to the Drawings begin on page 3 of this paper and include an attached replacement sheet and an annotated copy of the replacement sheet showing changes.

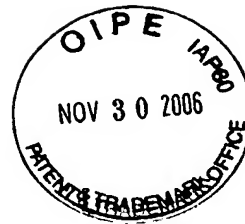
Remarks begin on page 4 of this paper.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 16, 2004.

Patricia S. Cunningham
(Name of Person Mailing Paper)


Signature Date 09-16-04

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REMARKS

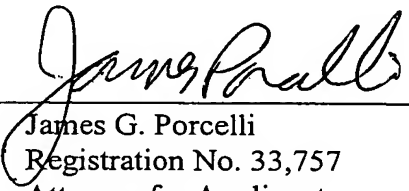
Changes to the Specification have been made for clarity. In particular, in the Description of Related Art, fixture carriers have been described as supports for plumbing fixtures such as service sinks, rather than water closets.

Paragraph [0034] has been amended to specify that sleeves 115 extend through the apertures within the wall as highlighted in Fig. 2. Additionally the arms 110 are locked within the sleeves 115 with locking screws 112, 113 which are also illustrated in Fig. 2.

No new subject matter has been added by this Amendment. Entry of this Amendment is respectfully requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By 
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Pittsburgh, PA 15219-1818
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Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com



ANNOTATED COPY SHOWING CHANGES

2/4

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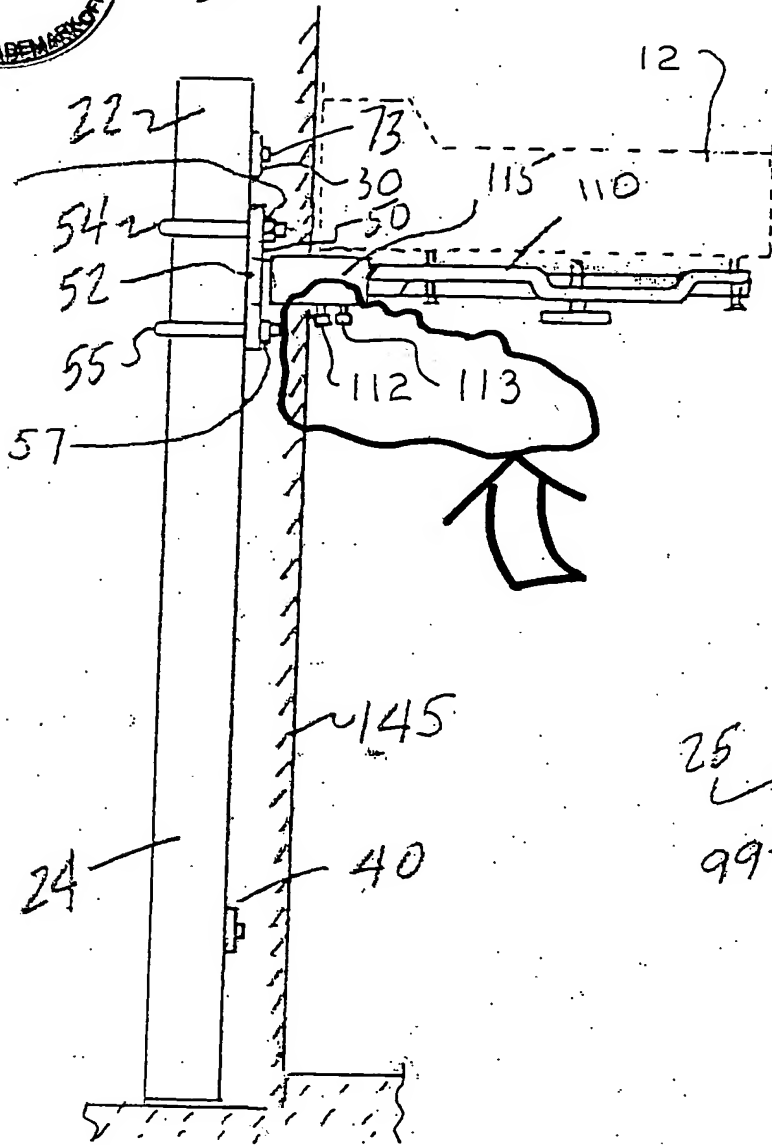


FIG. 2

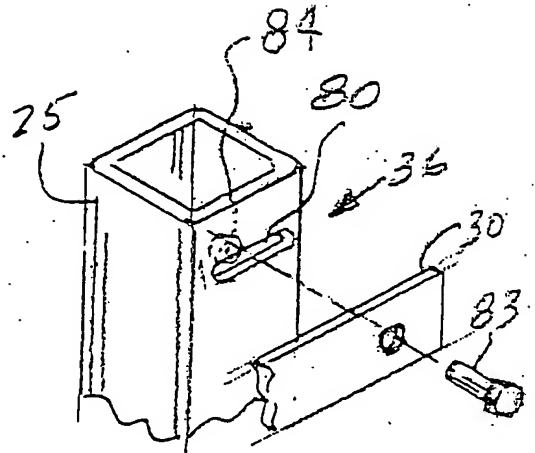


FIG. 4

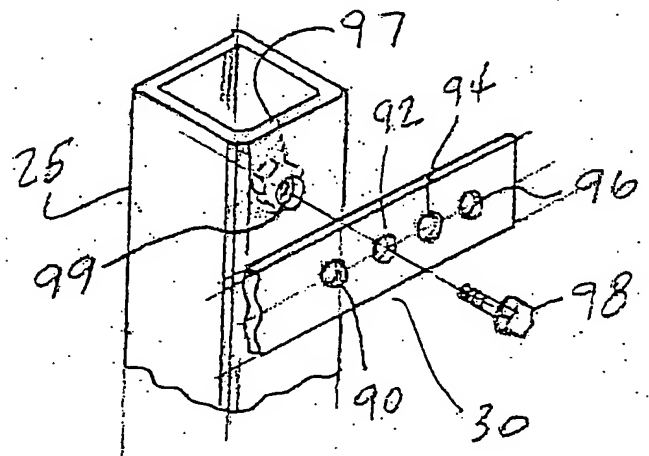


FIG. 5

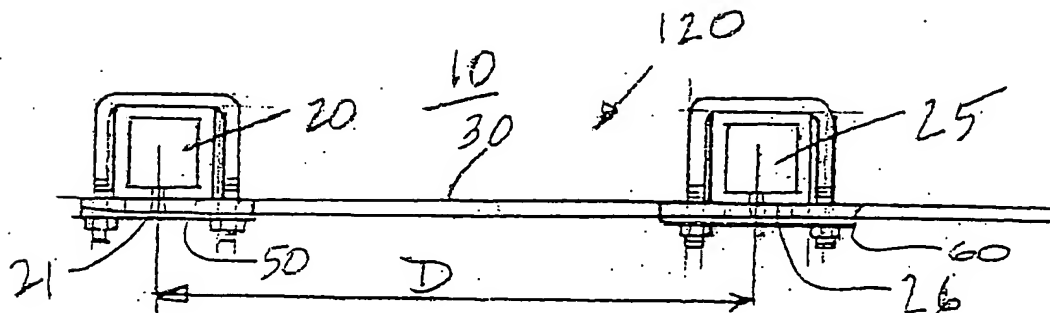


FIG. 3

DEC - 5 2006

Appl. No. 10/811,477
Paper Dated February 7, 2006
In Reply to USPTO Correspondence of November 7, 2005
Attorney Docket No. 0644-031015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/811,477
Applicants : Carl R. Nicolia et al.
Filed : March 26, 2004
Title : **FIXTURE CARRIER**
Art Unit : 3632
Examiner : Ramon O. Ramirez
Docket No. : 0644-031015
Confirmation No. : 8871
Customer No. : 28289

RESPONSE

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated November 7, 2005, please consider the following:

On page 2 of the Office Action the Examiner indicates that the drawings are objected to for reasons set forth in the Draftspersons attached From PTO-942. Please find enclosed herewith Replacement Drawing Sheets 1-4. Please substitute for the originally filed Drawings Sheets, the enclosed Replacement Sheets 1-4. These Replacement Drawing Sheets are merely formalized copies of the originally filed Drawings and no new subject matter is believed to have been added through these Drawings.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 7, 2006

Christine A. Canavan

(Name of Person Mailing Paper)

Christine A. Canavan 02/07/2006
(Signature) (Date)

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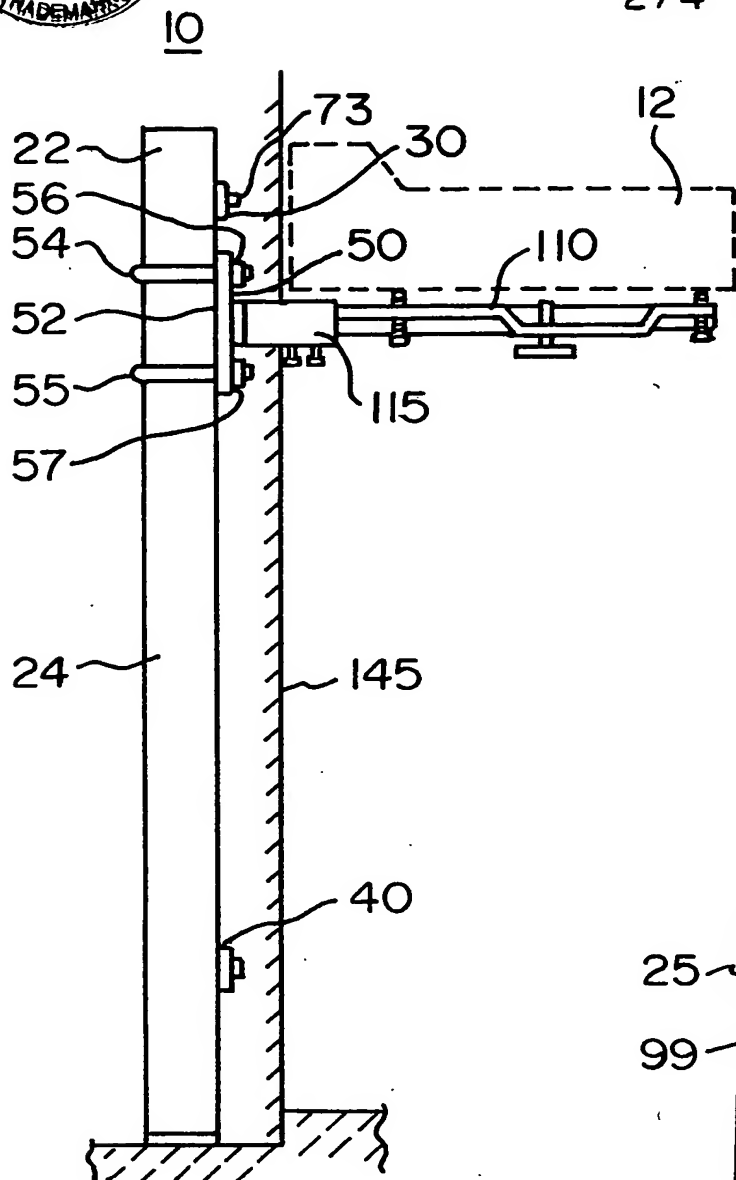


FIG. 2

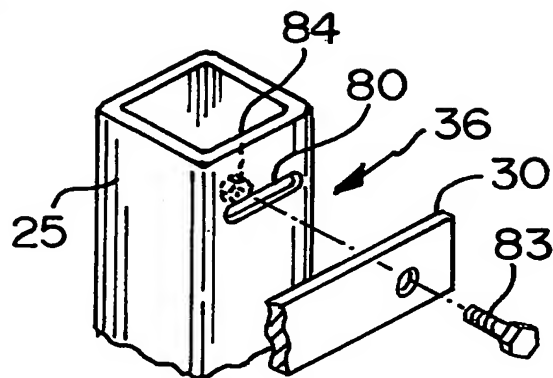


FIG. 4

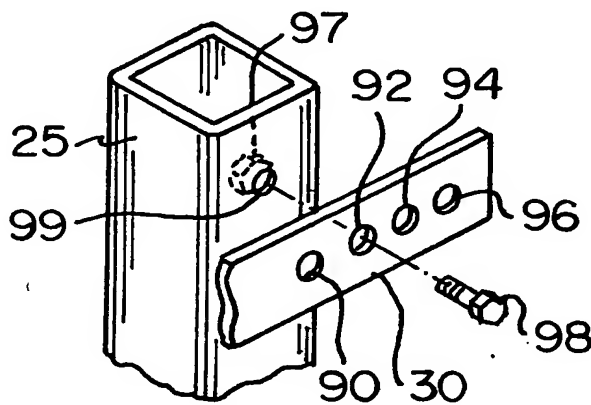


FIG. 5

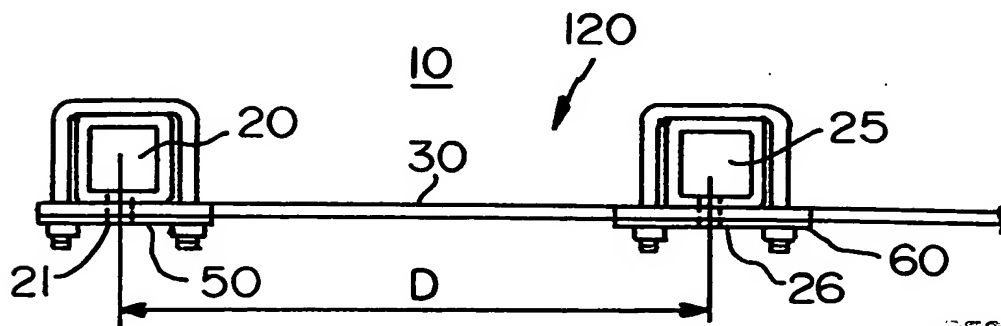


FIG. 3

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,477	03/26/2004	Carl R. Nicolai	0644-031015	8871

7590

03/02/2006

Paul M. Reznick
WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818

EXAMINER

RAMIREZ, RAMON O

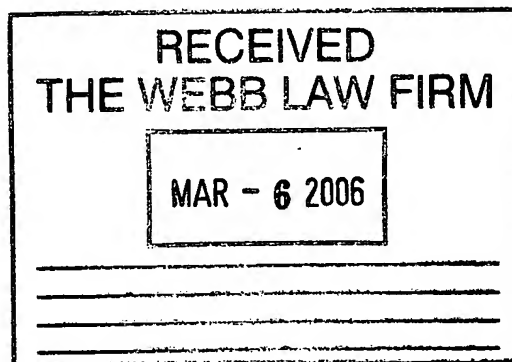
ART UNIT

PAPER NUMBER

3632

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/811,477

Examiner

RAMON O. RAMIREZ

Applicant(s)

NICOLIA ET AL.

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.

- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Detailed Action

This is the second Office Action corresponding to communication filed Feb 9, 2006. The application contains 21 claims. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings filed Feb 9, 2006 are accepted by the examiner.

Claim Rejections - 35 USC § 103

Claims 1, 2, and 4-14, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Labor ServerTM illustration (from now on referring as the illustration) in view of Garcia (2004/0222179A1).

The illustration shows a frame having two uprights connected by cross bars at each of their ends, and a vertical adjusted support member having a hole for receiving an arm fixture.

Garcia discloses a frame having two uprights (14b, 14c) connected by cross bars (14a, 16a) which are horizontally adjustable to adjust the distance between the uprights.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the cross bars shown by the illustration horizontally adjustable as shown by Garcia to adjust the distance between the uprights to make the

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